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SUBJECT: KAZAKHSTAN - WORKING GROUP SUBMITS RECOMMENDATIONS ON
MEDIA LAW AMENDMENTS TO JUSTICE MINISTRY

Summary

¶1. (SBU) The Information and Culture Ministry's working group on amendments to Kazakhstan's media law has forwarded a "concept" for the amendments and nine specific proposals to the Ministry of Justice for further action. Two NGOs that participated in the working group complained to us that the nine proposals were all made by the government, and that the government rejected every proposal submitted by NGOs. They further maintained that the nine proposals were largely superficial and technical, rather than substantive. End Summary.

"Concept" Plus Nine Specific Proposals

¶2. (U) The Information and Culture Ministry's working group on amendments to Kazakhstan's media law held its third session on September 17. Representatives of several government agencies and six media-related NGOs -- including Adil Soz and Internews -- participated in the meeting. At a follow on press conference, Information and Culture Ministry Executive Secretary Zhanna Kurmangaliyeva announced that the working group had reached a "consolidated position," agreeing on an overall "concept" for the media law amendments, as well as on nine specific proposals. She said the "concept" and the specific proposals would be passed on to an inter-agency committee at the Ministry of Justice -- which will be responsible for drafting the actual package of legislative amendments.

¶3. (U) The nine specific proposals that were agreed to cover a range of issues. One would put plaintiffs and defendants on an equal legal footing in libel cases -- a change from current law under which a defendant must prove that an allegedly libelous false story is actually true. A second would eliminate a requirement that a media outlet re-register when it changes its office address or replaces its editor-in-chief. A third would annul a provision of current law requiring a journalist to obtain an interviewee's prior consent for audio or video recording of an interview. Yet another proposal would provide additional means for journalists to appeal the refusal of public officials to respond to their queries.

No "Consolidated Position"

¶4. (SBU) Adil Soz head Tamar Kaliyeva told us on September 18 that the "concept" for the amendments was a good one, but she rejected Kurmangaliyeva's characterization that the working group had achieved a "consolidated position." She explained that the nine specific proposals that were agreed to were all made by the government, and that the government representatives had rejected every proposal made by NGOs -- including ones recommending (1) "automatic registration" of media outlets upon filing the necessary paperwork with the government; (2) lower registration fees; and (3) elimination of the bar on foreigners serving as editors-in-chief of media outlets.

15. (SBU) Internews country director Oleg Katsiyev maintained to us on September 19 that the nine agreed-to proposals were largely superficial and technical, rather than substantive. He complained that reporters did not publish his remarks at the September 17 press conference criticizing the results of the working group's efforts. While Kurmangaliyeva had promised that the working group would, in fact, continue to meet to discuss further recommendations, Katsiyev was skeptical that this would be the case.

16. (SBU) The OSCE was not invited to participate in the working group, and has not attended any of its three sessions. OSCE Astana Political Officer Valeriu Chiveri told us on September 19 that the OSCE did, however, provide funds to Almaty-based Adil Soz and Internews so that they could travel to Astana for the meetings of the working group. Chiveri said his office had not yet obtained a copy of the agreed-to "concept" and specific proposals, but hoped to in the coming days, and would subsequently meet with Adil Soz and Internews to discuss them.

Comment

17. (SBU) We are not surprised that the proposals the government was willing to approve fell far short of what the leading NGOs wanted. Our focus should now shift to influencing the draft package of amendments that will come of the Justice Ministry's inter-agency committee -- ideally, in a coordinated effort with our like-minded European partners. We should also press the government to agree to submit the draft package to ODIHR for analysis and review before the package is presented to parliament for consideration. End Comment.

MILAS